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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-30203-2014

Date of Decision: 23.02.2015

Satnam @ Satta

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Learned State counsel on instruction from SI Ram Prakash states that petitioner has joined the investigation in this case. As per the allegations levelled in the FIR, 21 grams of Heroin and 130 grams of Opium was recovered from one Nirmal Singh which is non-commercial quantity. The case of prosecution is that during interrogation Nirmal Singh made a disclosure statement in which he disclosed that he was selling the said contraband belonging to present petitioner Satnam @ Satta.

Learned State counsel further states that except the statement of co-accused there is no other evidence against the present petitioner. The statement of co-accused is not admissible in evidence. Except this, police has no evidence against the petitioner.

Learned counsel for the petitioner has argued that in the year 1989, there was a dispute between the petitioner and one retired S.P., in which said SP was killed and father and uncle of the petitioner had faced the murder trial and due to this reason, the police is planting false cases on the petitioner and his family members.

Learned State counsel has pleaded that there are 10 other cases against the petitioner. In some of the cases he has been acquitted and in one case he has been convicted. In any case, this Court is concerned with the present case in which as per the stand of the prosecution except the statement of the co-accused, there is no other evidence against the petitioner. It being so, it is a fit case where the power of under Section 438 Cr.P.C. should be exercised.

Accordingly, the interim bail granted by this Court on 03.09.2014 to the petitioner is made absolute.

Petition is accordingly allowed.

February 23, 2015
Ishant

(KULDIP SINGH)
JUDGE